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6 Attorneys for Danilo Antonio Espinal  
7 and Total Transportation of Mississippi, LLC

8 **IN THE UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 MARCUS XAVIER GAINES, individually,

11 Plaintiff,

12 vs.

13  
14 DANILO ANTONIO ESPINAL, individually;  
15 TOTAL TRANSPORTATION OF  
MISSISSIPPI, LLC; DOES I – X; and ROE  
16 CORPORATIONS I – X, inclusive,

17 Defendants.

CASE NO. \_\_\_\_\_

**Defendants' Petition for Removal**

18  
19 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
20 THE DISTRICT OF NEVADA:

21 Defendants, DANILO ANTONIO ESPINAL and TOTAL TRANSPORTATION OF  
22 MISSISSIPPI, LLC, respectfully petition the Court for an Order removing the above-entitled action  
23 to the United States District Court and allege as follows:

24 1. Danilo Antonio Espinal and Total Transportation of Mississippi, LLC are the  
25 Defendants in the above-entitled action.

26 2. The above-entitled action was commenced against Danilo Antonio Espinal on March  
27 15, 2021. On March 24, 2021, Plaintiff filed an Amended Complaint against Total Transportation of  
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1 Mississippi, LLC and Mr. Espinal in the District Court, Clark County, Nevada, and is now pending  
2 in said Court as Case No. A-21-831109-C

3 3. A copy of the Amended Summons and Amended Complaint in Case No. A-21-  
4 831109-C was served on Total Transportation of Mississippi, LLC on March 31, 2021. (Exhibit A)

5 4. Upon information and belief, a copy of the Summons and Amended Complaint in  
6 Case No.: A-21-831109-C was served on Mr. Espinal on March 29, 2021.

7 5. The above-entitled action is the result of a vehicle accident occurring in Las Vegas,  
8 Nevada on or about July 14, 2020.

9 6. The amount in controversy exceeds \$75,000. In support of the claim that the amount  
10 in controversy exceeds \$75,000, Defendants Danilo Antonio Espinal and Total Transportation of  
11 Mississippi, LLC state as follows:

12 A. Mr. Gaines is claiming accident-related injuries, with medical bills of  
13 approximately \$25,000.00.

14 B. On November 12, 2020, Mr. Gaines' attorneys submitted a policy limits demand.  
15 The underlying policy limit is \$1,000,000.00.

16 7. There is diversity of citizenship between Plaintiff and Defendants and this Court has  
17 jurisdiction over the above-entitled action pursuant to 28 USC § 1332 and 28 USC § 1441:

18 A. Plaintiff Marcus Xavier Gaines is a resident and citizen of Nevada;

19 B. Defendant Danilo Antonio Espinal is a resident and citizen of Tennessee; and

20 C. Defendant Total Transportation of Mississippi, LLC is a Mississippi limited  
21 liability company with its principal place of business in Mississippi.

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1           WHEREFORE, Defendants Danilo Antonio Espinal and Total Transportation of Mississippi,  
2 LLC request that the above-entitled action be removed from the District Court, Clark County,  
3 Nevada to this Court.

4           DATED this 30<sup>th</sup> day of April, 2021.

5                                   STEPHENSON & DICKINSON, P.C.

6                                     
7 By: \_\_\_\_\_  
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15                                  Attorneys for Danilo Antonio Espinal and  
16                                  Total Transportation of Mississippi, LLC  
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**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b), I hereby certify that I am an employee of STEPHENSON & DICKINSON and that on this 30<sup>th</sup> day of April, 2021, I caused to be served a copy of the foregoing:

**Defendants' Petition for Removal** on the party(s) set forth below by:

  X   Electronic service pursuant to NECFR 9

           Placing an original or true copy in a sealed envelope placed for collection and mailing in the United States Mail, at Las Vegas, Nevada, postage prepaid, following ordinary business practices;

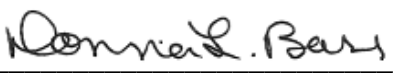
           Facsimile transmission only, pursuant to the amended Eighth Judicial District Court Rule 7.26

           Case Management/Electronic Case Filing (CM/ECF)

           Hand Delivery – Receipt of Copy

addressed as follows:

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\_\_\_\_\_  
Employee of STEPHENSON & DICKINSON